

In the City Council  
City of Lodi  
Lodi, California

Special Proceeding No. 1002

RESOLUTION NO. 1003

WHEREAS, this City Council did receive a petition on the 5th day of July, 1939, wherein it was asked that certain lands therein described, be annexed to and made a part of the City of Lodi, such proposed territory to be designated as "TENTH ADDITION" for the purposes of said annexation, due publication of notice to circulate the same being evidenced by affidavit on file with the City Clerk of this City, and,

WHEREAS, the City Clerk compared the signatures annexed to said petition with those on the original affidavits of registration on file with the County Clerk of San Joaquin County and as a result of said comparison, the said City Clerk has reported in writing that the petition was signed by more than one-fourth of the qualified electors residing within the territory so petitioned to be annexed to the City of Lodi and thereupon, this City Council did pass and adopt its Resolution No. 1002 declaring the intent of this City Council to order, call and conduct an election within not less than fifty (50) days from and after the adoption of said Resolution, and, among other things, said Resolution No. 1002 did designate and give notice that objections of owners of real property located within the boundaries of the territory proposed to be annexed would be heard before this City Council in its Council Chambers, City Hall, City of Lodi at the hour of 8:00 o'clock P.M. on Wednesday, the 9th day of August, 1939, and,

WHEREAS, no persons appearing to be heard and no protests either written or oral having been presented or filed up to and including the day and hour so set for hearing and said hearing having been regularly continued to a regular meeting of this City Council to be held at 8:00 o'clock P.M. of Wednesday, August 16th, 1939 at which time no protests were received, and said hearing was again postponed to and until 8:00 o'clock P.M. of Wednesday, September 6, 1939 for reasons set forth in the minutes of said meeting of August 16, 1939, and,

WHEREAS, publication of said Resolution No. 1002 and the notice to real property owners contained therein was had in time, form and manner as required by law in THE LODI TIMES, a newspaper of general circulation printed and published in the City of Lodi, (there being no newspaper published within the boundaries of the district proposed for annexation), as is evidenced by the affidavit of Ruth S. Durfey, principal clerk of the publisher of said The Lodi Times on file and of record in the office of the City Clerk of this City, now therefore;

BE IT RESOLVED, that this City Council does hereby find, determine and declare that said petition for annexation was regularly circulated, signed and filed and was signed by not less than one-fourth of the qualified electors residing within the territory proposed for annexation;

Special Proceeding No. 1002

THAT, said Resolution No. 1002 was regularly published in time, form and manner as required by law and that due notice was given therein of the time and place of the hearing of real property owners against said annexation;

THAT, no protests were received by this City Council at the time set for hearing or at any continuation thereof and therefore this City Council now has jurisdiction to call, order and conduct an election on the question of the annexation of said territory within the boundaries thereof and such election is hereby ordered and called to be held on TUESDAY, the 3rd day of OCTOBER, 1939 for the purpose of submitting to the qualified electors residing therein, the question whether the territory described as follows, shall be annexed to and made a part of the City of Lodi and from the date of such election, shall be taxed equally with property within the present City of Lodi for payment of principal and interest on bonds issued and outstanding at the date of such election.

The territory herein proposed for annexation and within which said election shall be held and conducted is particularly bounded and described as follows:

All the lands included within the boundaries shown on that certain map entitled "TRACT 23 SUBDIVISIONS OF SAN JOAQUIN COUNTY - MAP OF HUTCHINS HOMESTEAD ADDITION NUMBER 3" filed April 27, 1938 and recorded in Vol. 11 of Maps & Plats at Page 34 thereof, San Joaquin County Records.

Said territory, next hereinbefore described, is hereby designated "TENTH ADDITION" for the purpose of identification, by which name said territory shall be referred to and so indicated upon the records and ballots to be used at said election.

The electors resident in said territory and qualified to vote therein are hereby directed to vote in the following manner. Upon the ballots to be used at such election, there shall be printed the words "Shall Tenth Addition be annexed to, Incorporated, in and made a part of the City of Lodi, and the property therein be, after such annexation, subject to taxation equally with the property within said municipal corporation, to pay that portion of the bonded indebtedness of the City of Lodi issued and outstanding at the date of the filing of the petition for annexation; to-wit, issued and outstanding on the 5th day of July, 1939". Opposite these words there shall be printed the words "Yes" and "No" and to the right of these last two words shall be a voting square. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes" the vote of said elector shall be counted in favor of the annexation of the territory referred to in such proposition to the City of Lodi under the conditions therein stated, and if an elector shall stamp a cross (X) in the voting square after the word "No" the vote of such elector shall be counted against such annexation.

Special Proceeding No. 1002

The ballots used at such election and the holding and conducting of said election, shall be in conformity, as near as may be, with the laws of this state concerning general elections, except as otherwise herein provided. The polls shall be open from 6:00 A.M. to 7:00 P.M. of said day. The judges and inspector of such election for each polling place shall, immediately on the closing of the polls, count the ballots, make up, certify and seal the ballots and tally sheets of the ballots cast at their respective polling places, doing so, as nearly as practicable in the manner provided in the laws of this state relating to general elections, and they shall thereupon deliver the ballots, tally sheets and returns to and deposit the same with the City Clerk of this City.

The bonded indebtedness of the City of Lodi hereinbefore referred to, issued and outstanding at the date of the filing of the petition for annexation, at the date of the first publication of the notice of election, and on the date herein set for said election, the purposes thereof, the principal amounts outstanding and the interest rates thereon are as follows:

Improvement bonds of 1921 issued for \$200,000 of which there is still outstanding \$44,000 bearing interest @ 5 $\frac{1}{4}$ % per annum incurred for the acquisition, construction and completion of additions to water system, storm and sanitary sewers, additional fire mains and additional equipment for the municipal electric plant.

Improvement bonds of 1923 issued for \$100,000 of which there is still outstanding \$20,000 bearing interest @ 5% per annum incurred for the acquisition, construction and completion of a sewage disposal plant.

Sample ballots and polling place cards containing the matter required to be printed thereon shall be mailed to the electors of said territory by the City Clerk but the failure on the part of any elector to receive said sample ballot shall not be held to invalidate the election or affect in any manner the legality thereof.

There shall be one voting precinct within said territory for the purpose of holding said special election, which voting precinct is hereby established by this City Council for that purpose and designated "Election Precinct No. 1" the boundaries of which shall be co-extensive with the boundaries of the territory herein proposed to be annexed to the City of Lodi. The voting place at which the polls will be open for said special election in said territory shall be at Wa 135 South Orange Avenue, there being no place commonly used as a voting place in said territory.

Special Proceeding No. 1002

The officers to conduct said special election in and for said precinct are hereby appointed and designated as follows:

Inspector: Woodrow H. Mitchell

Judge: Jeannette Mitchell

Judge: Theodore Stotz

each of the foregoing election officers being a qualified elector in said voting precinct,

The City Clerk will cause proper notice of this election to be published at least once a week for four successive weeks next proceeding the date of this election in the "STOCKTON RECORD" a newspaper of general circulation printed and published outside the City of Lodi but in the County of San Joaquin and hereby designated by this City Council for the purpose, such notice to be substantially in the following words:

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that, in response to a petition for annexation and pursuant to law and proceedings heretofore had, a special election is hereby called and ordered to be held. on Tuesday, the 3rd day of October, 1939, within the territory hereinafter described, for the purpose of submitting to the qualified electors residing therein the question whether said territory shall be annexed to and made a part of the City of Lodi, and, from the date of such election, be taxed equally with property within the present City of Lodi to pay that portion of the bonded indebtedness of said City issued and outstanding at the date of the first publication of this notice.

Said territory shall be designated as "TENTH ADDITION" and shall be so named on the ballots to be used at said election and is particularly bounded and described as follows:-

All the lands included within the boundaries of that certain map entitled "TRACT 23, SUBDIVISIONS OF SAN JOAQUIN COUNTY -- MAP OF HUTCHINS HOMESTEAD ADDITION NUMBER 3" filed April 27, 1938, and recorded in Vol. 11 of Maps and Plats at Page 34 thereof, San Joaquin County records.

The bonded indebtedness of said City, above referred to, at the date of the filing of the petition for annexation, at the date of the first publication of this notice and at the date herein set for said election is as follows:

Improvement Bonds of 1921 issued for \$200,000 of which there is still outstanding \$14,000 bearing interest @  $5\frac{1}{4}\%$  per annum incurred for the acquisition, construction and completion of additions to water system, storm sewers, sanitary sewers, additional fire mains and additional equipment for the municipal electric plant.

Improvement Bonds of 1923 issued for \$100,000 of which there is still outstanding the sum of \$20,000 bearing interest @ 5% per annum incurred for the acquisition, construction and completion of a sewage disposal plant.

The electors resident in the said territory and qualified to vote therein are hereby directed to vote in the following manner. Upon the ballots to be used at such election there shall be printed the words "Shall TENTH ADDITION be annexed to, incorporated in and made a part of the City of Lodi, and the property therein be, after such annexation, subject to taxation equally with the property within such municipal corporation to pay that portion of the bonded indebtedness of the City of Lodi issued and outstanding at the date of the filing of the petition for annexation: to-wit, issued and outstanding on the 5th day of July, 1939," opposite these words there shall be printed the words "Yes" and "No" and to the right of each of these last two words there shall be a voting square. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes" the vote of such elector shall be counted in favor of the annexation of the territory referred to in such proposition to the City of Lodi under the conditions therein stated, and if an elector shall stamp a cross (X) in the voting square after the word "No" the vote of such elector shall be counted against such annexation.

The ballots used at such election and the holding and conducting of such election, shall be in conformity, as near as may be, with the laws of this state concerning general elections, except as herein otherwise provided. The polls shall be open from 6:00 A.M. to 7:00 P.M. of said day. The judges and inspector of such election for each polling place shall, immediately on the closing of the polls, count the ballots, make up, certify and seal the ballots and tally sheets of the ballots cast at their

respective polling places, doing so, as nearly practicable, in the manner provided in the laws of this State relating to general elections, 2nd they shall thereupon deliver the ballots, tally sheets and returns to and deposit the same with the City Clerk of this City.

Sample ballots and polling place cards containing the matter required to be printed thereon shall be mailed to the electors of said territory by the City Clerk, but a failure on the part of any elector to receive such sample ballot shall not be held to invalidate the election or affect in any manner the legality thereof.

There shall be one voting precinct within said territory for the purpose of holding said special election, which voting precinct is hereby established by this City Council for that purpose and designated "Election Precinct No. 1," the boundaries of which shall be coextensive with the boundaries of the territory herein proposed to be annexed to the City of Lodi. The voting place at which the polls will be open for said special election in said territory shall be at 135 South Orange Avenue, Lodi, California, there being no place commonly used as a voting place within such territory.

The officers to conduct said special election in and for said voting place in said territory are hereby appointed and designated as follows:

INSPECTOR: Woodrow H. Mitchell

JUDGES: JEANNETTE MITCHELL and Theodore Stotz

each of the foregoing election officers being a qualified elector of said voting precinct.

This Notice is given pursuant to Resolution No. 1003 of the City Council of the City of Lodi as adopted by said City Council on September 7, 1939, and in accordance with the "Annexation Act of 1913" and amendments thereto.

J. F. BLAKELY,  
City Clerk.

I, J. F. BLAKELY, City Clerk of the City of Lodi do hereby certify that the foregoing Resolution No. 1003 was passed and adopted at a regular meeting of the City Council of said City held Thursday, September 7, 1939 by the following vote:

AYES: Councilmen, Clark, Graffigna, Spooner, Weihe,  
and Steele (Mayor)

NOES: Councilmen, None.

ABSENT: Councilmen, None.

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City Clerk.

(SEAL)